

CLOSED, JURY, KAPLAN

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:05-cv-01013
Internal Use Only**

Alexander v. Pfizer Inc et al
Assigned to: Judge Ed Kinkeade
Cause: 28:1446 Petition for Removal- Personal Injury

Date Filed: 05/18/2005
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Steven Alexander

represented by **James E Girards**
Girards Law Firm
10000 N Central Expwy
Suite 750
Dallas, TX 75231
214/346-9529
Fax: 214/346-9532 FAX
Email: dianna@girardslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mike Ramey
Girards Law Firm
Tower II
10000 N Central Expwy
Suite 750
Dallas, TX 75231
214/346-9529
Fax: 214/346-9532 FAX
ATTORNEY TO BE NOTICED

Samuel J DeMaio
Girards Law Firm
10000 N Central Expwy
Suite 750
Dallas, TX 75231
214/346-9529

V.

Defendant

Certified a true copy of an instrument
on file in my office on 8/12/05
Clerk, U.S. District Court,
Northern District of Texas
By Carmona Del Deputy

Pfizer Inc

represented by **Kenneth J Ferguson**
Clark Thomas & Winters
PO Box 1148
Austin, TX 78767-1148
512/472-8800
Fax: 512/474-1129 FAX
Email: vtf@ctw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey R Lilly
Clark Thomas & Winters
PO Box 1148
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Leslie Anne Benitez
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ATTORNEY TO BE NOTICED

Susan E Burnett
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PO Box 1148
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512/472-8800
Fax: 512/495-8881 FAX
Email: vtf@ctw.com
ATTORNEY TO BE NOTICED

Defendant

Parke-Davis
a division of Warner-Lambert Company

represented by **Kenneth J Ferguson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey R Lilly
(See above for address)
ATTORNEY TO BE NOTICED

Leslie Anne Benitez
(See above for address)

ATTORNEY TO BE NOTICED

Susan E Burnett

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Warner-Lambert Company

represented by **Kenneth J Ferguson**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jeffrey R Lilly

(See above for address)

ATTORNEY TO BE NOTICED

Leslie Anne Benitez

(See above for address)

ATTORNEY TO BE NOTICED

Susan E Burnett

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2005	●	***Magistrate Judge Kaplan chosen by random selection to handle matters that may be referred in this case. (cxb,) (Entered: 05/19/2005)
05/18/2005	● <u>1</u>	NOTICE OF REMOVAL w/state court papers attached from 191st Judicial District Court of Dallas County, Texas, case number 05-02925, filed by Parke-Davis, Warner-Lambert Company, Pfizer Inc (filing fee \$250; receipt number 219159).(cxb,) (Entered: 05/19/2005)
05/18/2005	● <u>2</u>	INDEX OF STATE COURT DOCUMENTS filed by Parke-Davis, Warner-Lambert Company, Pfizer Inc. (cxb,) (Entered: 05/19/2005)
05/18/2005	● <u>3</u>	CERTIFICATE OF INTERESTED PARTIES by Parke-Davis, Warner-Lambert Company, Pfizer Inc. (cxb,) (Entered: 05/19/2005)
05/18/2005	● <u>4</u>	DISCLOSURE STATEMENT by Parke-Davis, Warner-Lambert Company, Pfizer Inc. (cxb,) (Entered: 05/19/2005)
05/18/2005	● <u>5</u>	DEMAND for Trial by Jury by Parke-Davis, Warner-Lambert Company, Pfizer Inc. (cxb,) (Entered: 05/19/2005)
05/25/2005	● <u>6</u>	Unopposed MOTION Leave to Proceed without Local Counsel by Warner-Lambert Company, Pfizer Inc with Brief in Support of Their Unopposed Motion for Leave to proceed Without Local Counsel.

		(Attachments: # <u>1</u>)(Ferguson, Kenneth) (Entered: 05/25/2005)
05/26/2005	● <u>7</u>	UNOPPOSED MOTION for leave to proceed without local counsel by Parke-Davis, Warner-Lambert Company, Pfizer Inc. (cxb,) (Entered: 05/26/2005)
06/01/2005	● <u>8</u>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER: Joint Report shall be filed no later than 21 days from the date of the scheduling conference. [see order for specifics] (Signed by Judge Ed Kinkeade on 5/31/05) (cxb,) (Entered: 06/02/2005)
06/01/2005	● <u>9</u>	ORDER terminating <u>6</u> Unopposed Motion to proceed without local counsel, granting <u>7</u> Unopposed Motion to proceed without local counsel. (Signed by Judge Ed Kinkeade on 5/31/05) (cxb,) (Entered: 06/02/2005)
06/07/2005	● <u>10</u>	Order Regarding Intention to Administer Case Electronically - see order for specifics. (Signed by Judge Ed Kinkeade on 6/7/05) (cxb,) (Entered: 06/08/2005)
07/01/2005	● <u>11</u>	AGREED STIPULATION and Voluntary Motion to Dismiss by Parke-Davis, Warner-Lambert Company, Steven Alexander, Pfizer Inc. (cxb,) (Entered: 07/06/2005)
07/11/2005	● <u>12</u>	ORDER granting dismissal without prejudice. The Court dismisses all causes of action of plaintiff against defendants Pfizer, Inc., Parke-Davis, a division of Warner-Lambert Company, and Warner-Lambert Company without prejudice to the re-filing of the same. (Signed by Judge Ed Kinkeade on 7/11/05) (mlm) (Entered: 07/12/2005)
07/19/2005	● <u>13</u>	CONDITIONAL TRANSFER ORDER (CTO-9): Pursuant to Rule 7.4 these actions are transferred to the District of Massachusetts, with the consent of that court, assigned to the Honorable Patti B. Saris. (Signed by Michael J. Beck, Clerk of the Panel) (cxb,) (Entered: 07/20/2005)
08/12/2005		*** Copy file, certified copy of transfer order (doc. 13) and docket sheet mailed to: USDC, District of Massachusetts, 1 Courthouse Way; Boston, MA 02210. (cxb,) (Entered: 08/12/2005)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAY 18 2005
CLERK, U.S. DISTRICT COURT
By NT
Deputy

~~~~~

3-05 CV - 10 13 K

## 1



2. Pursuant to 28 U.S.C. § 1446(a), a certified copy of the state court docket sheet and copies of all process, pleadings, and orders filed in the state court are attached hereto.

3. The Amended Petition asserts claims over which this Court has original jurisdiction under 28 U.S.C. § 1332, because the dispute involves citizens of different states and the amount in controversy exceeds \$75,000.

## **II. Diversity of Citizenship**

4. On information and belief, Plaintiff is a citizen of the State of Texas.

5. Pfizer is a Delaware corporation with its principal place of business in New York.

6. Warner-Lambert is a Delaware corporation with its principal place of business in New York.

7. Pfizer and Warner-Lambert answered on May 12, 2004.

## **III.**

### **Amount in Controversy**

8. Plaintiff's petition establishes on its face that the amount in controversy in this case exceeds \$75,000, exclusive of interest and costs. Plaintiff alleges that after ingesting Neurontin, he attempted to commit suicide, "thereby sustaining severe personal injuries." Amended Petition at 6. Plaintiff prays for "general and special damages." *Id.* at 13. Under Texas law, a plaintiff claiming personal injury may, upon a proper showing, recover past and future: (1) physical pain and mental anguish, (2) loss of earning capacity, (3) disfigurement, (4) physical impairment and (5) medical expenses. *See* Texas Pattern Jury Charge 80.2. Moreover, Plaintiff seeks exemplary damages in this case. *Id.* at 5, 12-13.

9. Given Plaintiff's allegations, which Pfizer and Warner-Lambert deny in their entirety, the Amended Petition establishes on its face that the amount in controversy requirement is met.

**IV.**

**Timeliness, Consent, and State Court Proceedings**

10. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b), because it is filed within 30 days of April 16, 2006, the date the first defendant was served.
11. There are no other defendants and therefore no consent is required.
12. The state court action is pending within this district and division. *See* 28 U.S.C. 1441(a).
13. No hearings are scheduled and no orders have been entered in the state court action.

**V.**

**Conclusion**

14. Upon filing of this notice of the removal of this cause, written notice of the filing is being given by Pfizer and Warner-Lambert to Plaintiff and Plaintiff's counsel as required by law. A copy of the notice with proof of service of it is attached hereto. A copy of this notice is also being filed with the Clerk of the state district court in which this cause was originally filed.

WHEREFORE, Pfizer and Warner-Lambert pray that the above-styled action pending against them in the 191st Judicial District Court of Dallas County, Texas, be removed to this Honorable Court.

Respectfully submitted,

**CLARK, THOMAS & WINTERS**  
**A Professional Corporation**

By: 

Kenneth J. Ferguson  
State Bar No. 06918100  
Leslie A. Benitez  
State Bar No. 02134300

Susan E. Burnett  
State Bar No. 20648050  
Jeffrey R. Lilly  
State Bar No. 00787905

P.O. Box 1148  
Austin, Texas 78767  
(512) 472-8800  
(512) 474-1129 [Fax]

**ATTORNEYS FOR DEFENDANTS  
PFIZER INC. and WARNER LAMBERT  
COMPANY, L.L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was forwarded in the manner described below to the following interested parties on this 17<sup>th</sup> day of May, 200~~5~~<sup>5</sup>.

**Via Certified Mail, Return Receipt Requested**

James E. Girards  
J. Michael Ramey  
Samuel J. DeMaio, M.D.  
The Girards Law Firm  
10000 N. Central Expressway, Suite 750  
Dallas, Texas 75231

A handwritten signature in black ink, appearing to read 'S. DeMaio', with a horizontal line drawn through the signature.



## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

See Attached

## DEFENDANTS

See Attached

(b) County of Residence of First Listed Plaintiff Dallas County  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
See Attached

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
PROPERTY INVOLVED.

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

3-05CV-1013K

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ DEF Incorporated or Principal Place of Business In This State ☐ 4 ☐ DEF
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☒ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | TORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | FORFEITURE/PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | BANKRUPTCY                                                                                                                                                                                                                                                                                                                                                                                                 | OTHER STATUTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury—Med. Malpractice<br><input checked="" type="checkbox"/> 365 Personal Injury—Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                         | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 440 Other Civil Rights                                                                                                                                                                                                                                                              | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> Habeas Corpus:<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition                                                                                                                                      | <b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act                                   | <b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutional of State Statutes<br><input type="checkbox"/> 890 Other Statutory Actions |

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. Section 1332 (Diversity of citizenship between citizens of different states, where matter in controversy exceeds \$75,000); removal from state court as permitted by 28 U.S.C. Section 1446.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

JS 44 Reverse (Rev. 12/96)

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44****Authority For Civil Cover Sheet**

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**LIST OF PARTIES AND ATTORNEYS**

**I. (a) Plaintiff**

Steven Alexander

**Defendants**

Pfizer Inc  
Warner-Lambert Company, L.L.C.

**I. (c) LIST OF ATTORNEYS**

**ATTORNEYS FOR PLAINTIFF**

James E. Girards  
State Bar No. 07980500  
J. Michael Ramey  
State Bar No. 24010330  
Samuel J. DeMaio, M.D.  
State Bar No. 24012519  
THE GIRARDS LAW FIRM  
10000N. Central Expressway, Suite 250  
Dallas, Texas 75231  
(214) 346-9529  
(214) 346-9532 (Facsimile)

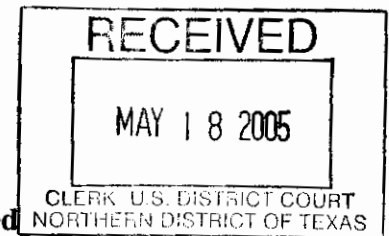
**ATTORNEYS FOR DEFENDANT S PFIZER INC.,  
AND WARNER-LAMBERT, L.L.C.,**

Kenneth J. Ferguson  
State Bar No. 06918100  
Leslie A. Benitez  
State Bar No. 02134300  
Susan E. Burnett  
State Bar No. 20648050  
Jeffrey R. Lilly  
State Bar No. 00787905  
**CLARK, THOMAS & WINTERS,  
A PROFESSIONAL CORPORATION**  
P.O. Box 1148  
Austin, Texas 78767  
(512) 472-8800  
(512) 474-1129 (Facsimile)



K/BD  
CO

United States District Court  
Northern District of Texas  
Dallas Division



Supplemental Civil Cover Sheet for Cases Removed  
From State Court

**3-05 CV - 10 13 K**

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

Case Number

191<sup>st</sup> Judicial District Court of Dallas County, Texas

05-2925

2. Style of Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Cause No. 05-2925; *Steven Alexander vs. Pfizer Inc. Parke-Davis, a division of Warner-Lambert Company and Warner-Lambert Company*; In the 191<sup>st</sup> Judicial District of Dallas County, Texas

Party and Party Type

Attorney(s)

| <u>PLAINTIFFS</u> |                                                                                                                                                                                                                                                                                       |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Steven Alexander  | James E. Girards<br>State Bar No. 07980500<br>J. Michael Ramey<br>State Bar N. 24010330<br>Samuel J. DeMaio, M.D.<br>State Bar No. 24012519<br><b>THE GIRARDS LAW FIRM</b><br>10000 N. Central Expressway, Suite 750<br>Dallas, Texas 75231<br>(214) 346-9529<br>(214) 346-9532 (Fax) |

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Date

N/A

7. **Claims of the Parties:**

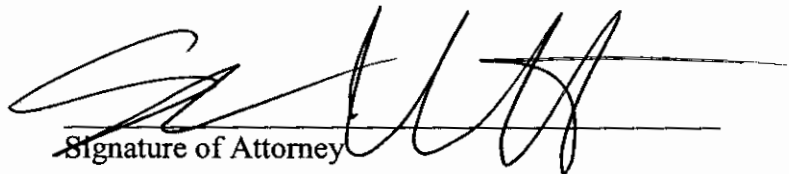
The filing party submits the following summary of the remaining claims of each party in this litigation:

Party

Date

N/A

Date: May 17, 2005

  
Signature of Attorney